



## U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

May 27, 2025

BY ECF

Hon. Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *The Intercept Media, Inc. v. U.S. Department of Government Efficiency et al.*,  
25 Civ. 2404 (VSB)(OTW)**

Dear Judge Broderick:

This Office represents defendants the U.S. Department of Government Efficiency “a/k/a United States DOGE Service” and United States Digital Service (collectively, “USDS”) in this action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write respectfully in response to the letter filed by plaintiff on May 22, 2025 (ECF No. 22), asking the Court to consider the district court’s May 19, 2025 memorandum opinion in *United States Institute for Peace v. Kenneth Jackson et al.*, No. 25-cv-804 (BAH) (D.D.C.) (“USIP”) (slip op. filed at ECF No. 22-1), in connection with the pending motion to dismiss plaintiff’s complaint in this case.

The *USIP* decision has no bearing on this FOIA case. It does not address FOIA claims at all, let alone consider the dispositive question in this case: whether USDS has been granted substantial authority to act independent of the President. Instead, like many of the third-party sources cited in plaintiff’s motion papers, the *USIP* decision refers to “defendants” or “DOGE” generally, *see, e.g.*, *USIP* slip op at 2, without distinguishing between USDS and DOGE Teams operating within Agencies under the DOGE Structure created by Executive Order 14,158. *See* USDS Reply (ECF No. 21), Point II. Even assuming *arguendo* that the actions the *USIP* court attributed to “DOGE” could somehow be ascribed to USDS, they do not show that the President has delegated to USDS his own authority to act. To the contrary, the *USIP* court described the actions at issue as being undertaken “at the direction of the President.” *USIP* slip op. at 4.

We thank the Court for its consideration of this letter.

Respectfully,

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